



Arlington Conservation Commission

Date: Thursday, November 4, 2021

Time: 7:30 PM

Location: Conducted by Remote Participation

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 relating to the COVID-19 emergency, the November 4, 2021 public meeting of the Arlington Conservation Commission shall be physically closed to the public to avoid group congregation. The meeting shall instead be held virtually using Zoom. Please note: The listing of matters are those reasonably anticipated which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

Agenda

1. Administrative

- a. Register in advance for this meeting:

https://town-arlington-ma-us.zoom.us/join/tZwceCrqj0sHtNWJl_3f9hGvpAx2rxz8cqG

Telephone: +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833

Meeting ID: 882 6934 6647

- b. 7:30 p.m. Review Draft Meeting minutes from 10/21/2021

- c. Review of 2022 Meeting schedule

- d. Water Bodies Working Group Update

2. Hearings

Request for certificate of Compliance - 14 Dudley Court MassDEP File #91-94

7:45 p.m.

**Request for Certificate of Compliance – 14 Dudley Court
MassDEP File #91-94**

Resource areas include Mill Brook, Bank, 100-foot Buffer to Mill Brook.

3. Discussion

- a. 8:00 p.m. **Hill's Pond Order of Conditions permit amendment**

Continued discussion from 10/21/2021 regarding addition of aerator to Hill's Pond – to be led by Ellen Reed, Friends of Menotomy Rocks Park.

b. **Working Session – 0 Stevens Terrace: Conservation Restriction / Land Donation**

Arlington property owners Susan and William Buffett have a vacant lot next to their home which they would like to conserve. It's about 0.20 of an acre and surrounded by homes though has about 30 feet off of a private way. Discussion to be led by Commissioner Nathaniel Stevens including conservation restriction / land donation.

c. **Intermittent Streams in Arlington**

Continued discussion from 9/2/2021 and 10/21/2021 meeting and recommendations for updates to local regulations - to be led by Commissioners Chuck Tirone & Dave Kaplan.

d. **Arlington Great Meadows – Memorandum of Understanding and Discussions**

Discuss and review Memorandum of Understanding with Lexington regarding allowance for mowing pedestrian path. This is to maintain a pathway at the end of Brandon Street from the bikeway along the Great Meadow to the trail connecting to Fottler Road. The Lexington Department of Public Works is requesting permission to mow this area.

Review options to have land designated as Chapter 97 land, which would require a Town Meeting Article, and discuss ownership transfer from Board of Selectmen to Conservation Commission – to be led by Commissioner David White.

e. **Feed back from Associate Commissioner Cathy Garnett on availability of native non-cultivar plants.**



Town of Arlington, Massachusetts

Review of 2022 Meeting Schedule

Summary:

Review of 2022 Meeting schedule

ATTACHMENTS:

| | Type | File Name | Description |
|---|--------------------|----------------------------------|-----------------------|
| ▢ | Reference Material | Draft_-ConComm_Schedule_2022.pdf | ConCom Draft schedule |



TOWN OF ARLINGTON

MASSACHUSETTS

CONSERVATION COMMISSION

Schedule for 2022

The Commission usually meets virtually on the 1st and 3rd Thursdays of the month (except where noted below) at 7:30pm. When meeting in person the meetings will be held in the second floor conference room of the Town Hall Annex (southwest entrance).

January 6th
January 20th

July 7th
July 21st

February 3rd
February 17th

August 4th
August 18th

March 3rd
March 17th

September 1st
September 15th

April 7th
April 21st

October 6th
October 20th

May 5th
May 19th

November 3rd
November 17th

June 2nd
June 16th

December 1st
December 15th

Respectfully submitted,

Approved



Town of Arlington, Massachusetts

Request for certificate of Compliance - 14 Dudley Court MassDEP File #91-94

Summary:

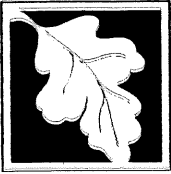
7:45 p.m.

Request for Certificate of Compliance – 14 Dudley Court MassDEP File #91-94

Resource areas include Mill Brook, Bank, 100-foot Buffer to Mill Brook.

ATTACHMENTS:

| Type | File Name | Description |
|----------------------|---|----------------------|
| ▢ Reference Material | Request_for_Certificate_of_Compliance_-_14_Dudley_Court.pdf | 14 Dudley Street COC |



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

91-94
Provided by DEP

A. Project Information

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.



Upon completion
of the work
authorized in
an Order of
Conditions, the
property owner
must request a
Certificate of
Compliance
from the issuing
authority stating
that the work or
portion of the
work has been
satisfactorily
completed.

1. This request is being made by:

Joanne Howe

Name

6 East Road

Mailing Address

Chatham

City/Town

Mass.

State

508-432-7681

Phone Number

PLANNING & DEVELOPMENT
201 NOV - 1
A 11:00
02659
Zip Code

2. This request is in reference to work regulated by a final Order of Conditions issued to:

L + L One Realty Trust (Arlington Auto Body)

Applicant

603193

Dated

91-94

DEP File Number

3. The project site is located at:

14 Dudley Court

Street Address

Arlington Ma 02476

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

County

Book

Page

Certificate (if registered land)

5. This request is for certification that (check one):

- ☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- ☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

91-94
Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☐ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

9K 2424216428

310 CMR 10.99

Form 5



Commonwealth
of Massachusetts

DEP File No.

91-94

(To be provided by DEP)

ARLINGTON

City/Town

Applicant L&L ONE REALTY
TRUST (AHL. AUTO BODY)

Amended
Order of Conditions

Massachusetts Wetlands Protection Act

G.L. c. 131, §40

and Arlington Local By-law, 240 §32
Arlington Conservation Commission

From _____

To L&L One Realty Trust Same

(Name of Applicant)

(Name of property owner)

Address 14 Dudley Court Address Same

This Order is issued and delivered as follows This is a copy of original *Amended* misplaced by applicant
☒ by hand delivery to applicant or representative on November 22, 1993 (date)

☐ by certified mail, return receipt requested on _____ (date)

This project is located at 14 Dudley Court

The property is recorded at the Registry of Middlesex

Book 20182 Page 448

Certificate (if registered) _____

The Notice of Intent for this project was filed on June 3, 1993 (date)

The public hearing was closed on June 17, 1993 (date)

Findings

The Arlington Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- ☐ Public water supply
☐ Private water supply
☒ Ground water supply

- ☐ Flood control
☒ Storm damage prevention
☒ Prevention of pollution

- ☐ Land containing shellfish
☐ Fisheries
☐ Protection of wildlife habitat

Total Filing Fee Submitted _____ State Share _____

City/Town Share _____ (1/2 fee in excess of \$25)

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Effective 11/10/89

5-1

MSD 02/04/94 01:31:14 824 11.00

BK 24242PG429

Therefore, the Conservation Commission hereby finds that the following conditions are necessary in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words: "Massachusetts Department of Environmental Protection,
File Number 91-94
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

AK 242426431

SPECIAL ORDERS - ORDINANCES AND CODES FILE 091 94

- 1) Work permitted by this Order shall conform to plans and oral presentations submitted by the Applicant. Any errors found in the plans or information submitted by the Applicant shall be considered as changes and the following procedure for changes (see #2) shall be followed.
- 2) Any changes made or intended to be made in plans for this project shall require the Applicant to file a new Notice of Intent or to inquire of the Conservation Commission in writing whether the change is substantial enough to require a new filing.
- 3) Applicant shall notify the Conservation Commission one week prior to start of construction.
- 4) The Commission, its employees and its agents shall have the right of entry to inspect for compliance with the terms of this Order of Conditions.
- 5) This Order of Conditions must be incorporated as part of the Construction Contract and the contractor and sub-contractors must submit in writing to the Commission prior to construction, his notice of receipt of this Order and understanding of this Order and his intention to comply.
- 6) Debris as a result of construction must not be allowed to enter Mill Brook or its banks from the site during or after construction. Asphalt removed during construction must be disposed of at an off site location.
- 7) Before groundcover is broken, erosion controls such as staked haybales must be installed along the length of the property closest to the bank of Mill Brook. Erosion controls shall be monitored and maintained throughout the duration of the project. Any entrapped silt or other material shall be removed to an area outside of the 100 ft. buffer zone. These erosion controls shall not be removed from the site until so approved by the Commission.
- 8) Work materials shall be secured away from Mill Brook and its banks.
- 9) Dust shall be controlled during construction.
- 10) Oil or fuel leakage from construction equipment will be avoided. If found, contaminated soil shall be removed and deposited at an approved off site location.
- 11) Catch basins must be installed with the MDE standard type oil/gas trap, roof hood and downspout must be approved by the Town Engineer and be inspected after completion of construction by the Town Engineer. The Commission must be informed when this approval is given.

BK 24242PG430

| Plans | | | |
|-----------------------------|-------|------------------------|--------------|
| Title | Dated | Signed and Stamped by | On File with |
| Revised Plot Plan | | David Lanata 3/92 | ACC |
| Letter | | Richard Butler 4/21/93 | ACC |
| All Plans from Original NOI | | | ACC |
| | | | |
| | | | |

Special Conditions (use additional paper if necessary)

See Attached Sheet

Leave Space Blank

BK 2424216432

Issued By ARLINGTON Conservation Commission

Signature(s) Roland E. Chaput, Chairman

Susan A. Burt Geraldine Tremblay

Phillip M. Burt Judith D. Hodges

This Order must be signed by a majority of the Conservation Commission.

On this 18th day of November 19 93, before me personally appeared Roland Chaput to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Susan A. Burt
Notary Public

Aug 19, 1999
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseeding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the _____ prior to commencement of work.

To _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____

File Number _____ has been recorded at the Registry of _____ and

has been noted in the chain of title of the affected property in accordance with General Canonon 8 on _____ 19 _____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies the transaction is _____

Signature _____

5-4A



Town of Arlington, Massachusetts

Intermittent Streams in Arlington

Summary:

Intermittent Streams in Arlington

Continued discussion from 9/2/2021 and 10/21/2021 meeting and recommendations for updates to local regulations - to be led by Commissioners Chuck Tirone & Dave Kaplan.

ATTACHMENTS:

| Type | File Name | Description |
|--------------------|---|--|
| Reference Material | IntStrmsProposal_20211104_DKaplan_(1).pdf | Intermittent Streams Proposal 11042021 |

Bylaw Intermittent Streams

- 1) Identify streams the Conservation Commission has designated intermittent under the bylaw and afforded an AURA.
 - Ryder Brook? (For discussion)
 - No Name Brook
 - Coolidge Road
 - Others?
- 2) Distinguish those from all others, which would not receive an AURA and amend the bylaw Stream Definition

DRAFT EXAMPLE

“STREAM - A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to hydraulic gradient, and includes streamlets and rivulets. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) is a stream.

By designation, No Name Brook, Coolidge Road, and Ryder Brook? are intermittent streams afforded an AURA.

The Conservation Commission has determined that intermittent streams upgradient of wetland resource areas subject to protection under the Bylaw are significant to the following bylaw interests, flood control, drainage, water quality, and habitat. These presumptions are refutable and may be overcome by a clear showing that said intermittent streams do not play a role in the protection of those interests. The applicant shall identify these areas at the site, locate them on a plan, avoid impacts to these areas, and will mitigate for unavoidable impacts. These resource areas will not be afforded an AURA.



Town of Arlington, Massachusetts

Arlington Great Meadows

Summary:

Arlington Great Meadows – Memorandum of Understanding and Discussions

Discuss and review Memorandum of Understanding with Lexington regarding allowance for mowing pedestrian path. This is to maintain a pathway at the end of Brandon Street from the bikeway along the Great Meadow to the trail connecting to Fottler Road. The Lexington Department of Public Works is requesting permission to mow this area.

Review options to have land designated as Chapter 97 land, which would require a Town Meeting Article, and discuss ownership transfer from Board of Selectmen to Conservation Commission – to be led by Commissioner David White.

ATTACHMENTS:

| Type | File Name | Description |
|----------------------|--|-------------------------|
| ▢ Reference Material | Mowing_path_from_Brandon_St_to_bikeway_along_AGM.pdf | Arlington Great Meadows |

